

REFERENCE TITLE: **crime reduction performance funding**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HB 2179**

Introduced by  
Representative Konopnicki

AN ACT

AMENDING SECTION 12-270, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 12-270, Arizona Revised Statutes, is amended to  
3 read:

4       12-270. Probation revocation and crime reduction performance  
5                   funding: reports

6       A. The joint legislative budget committee staff shall annually  
7 calculate:

8           1. Any costs that have been avoided by reducing the percentage of  
9 people on supervised probation from each county whose probation is revoked  
10 and who are sentenced to a term of imprisonment in the state department of  
11 corrections. The joint legislative budget committee staff shall calculate  
12 the cost avoidance for each county by comparing the number of people whose  
13 probation is revoked and who are sentenced to a term of imprisonment in the  
14 state department of corrections to the estimated number of supervised  
15 probationers that would have been revoked at the baseline revocation  
16 percentage rate. This calculation shall be based on the fiscal year prior to  
17 the fiscal year in which the report is required pursuant to subsection E of  
18 this section. The baseline revocation percentage rate shall be the  
19 revocation percentage rate in fiscal year 2007-2008. The joint legislative  
20 budget committee staff shall calculate an annual per person avoided cost by  
21 using the state department of corrections' **MARGINAL OPERATING PER CAPITA** cost  
22 for ~~contracted private beds~~ **TOTAL STATE OPERATED FACILITIES** as of June 30 in  
23 the fiscal year prior to the fiscal year in which the report is required  
24 pursuant to subsection E of this section and the average length of  
25 incarceration for a person whose probation is revoked and who is sentenced to  
26 a term of imprisonment in the state department of corrections.

27           2. The percentage of people on supervised probation from each county  
28 who are convicted of a new felony offense compared to the percentage of  
29 probationers who would have been convicted of a new felony offense at the  
30 baseline probation conviction rate. This calculation shall be based on the  
31 fiscal year prior to the fiscal year in which the report is required pursuant  
32 to subsection E of this section. The baseline probation conviction rate  
33 shall be the conviction rate in fiscal year 2007-2008.

34       B. Notwithstanding section 12-269, beginning in fiscal year 2010-2011,  
35 the legislature shall annually appropriate to the administrative office of  
36 the courts forty per cent of any costs that are avoided as calculated in  
37 subsection A, paragraph 1 of this section to be deposited in the adult  
38 probation services fund of each county established pursuant to section 12-267  
39 if there is a reduction in the percentage of people from that county who are  
40 on supervised probation and who are convicted of a new felony offense as  
41 calculated in subsection A, paragraph 2 of this section.

42       C. The monies appropriated pursuant to this section shall be used to  
43 supplement, not supplant, any other state or county appropriation for the  
44 superior court adult probation department.

1       D. On or before October 1 of each year, the administrative office of  
2 the courts and the state department of corrections shall jointly report to  
3 the president of the senate, the speaker of the house of representatives and  
4 the governor and shall provide a copy of the report to the joint legislative  
5 budget committee, the secretary of state and the director of the Arizona  
6 state library, archives and public records. The report shall include:

7           1. The average number of people on supervised probation in each  
8 county.

9           2. The number of probationers in each county whose probation is  
10 revoked each year.

11          3. The number of probationers in each county who are convicted of new  
12 crimes each year.

13          4. The state department of ~~correction's~~ CORRECTIONS' most recent  
14 MARGINAL OPERATING PER CAPITA cost for ~~contracted private beds~~ TOTAL STATE  
15 OPERATED FACILITIES.

16       E. Beginning in fiscal year 2009-2010, the joint legislative budget  
17 committee staff shall annually report by November 15 to the joint legislative  
18 budget committee the results calculated pursuant to this section.

19       F. On or before June 30, 2014, the auditor general shall:

20           1. Complete a performance audit, as defined in section 41-1278, of the  
21 probation revocation or adjustment and crime reduction performance as  
22 provided by this section and section 13-924.

23           2. Provide a copy of the performance audit to the president of the  
24 senate, the speaker of the house of representatives, the governor, the  
25 secretary of state, the director of the Arizona state library, archives and  
26 public records and any other person requesting a copy.

27       G. AN APPROPRIATION THAT IS MADE PURSUANT TO SUBSECTION B OF THIS  
28 SECTION SHALL NOT REDUCE THE MONIES APPROPRIATED TO THE STATE DEPARTMENT OF  
29 CORRECTIONS IN FISCAL YEAR 2010-2011 BUT MAY REDUCE THE MONIES APPROPRIATED  
30 TO THE STATE DEPARTMENT OF CORRECTIONS IN ANY SUBSEQUENT FISCAL YEAR FOR  
31 FUNDING GROWTH THAT IS PROPORTIONATE TO THE ADDITIONAL POPULATION GROWTH IN  
32 THE STATE DEPARTMENT OF CORRECTIONS.